

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Yongwei Cao *et al.*

Appln. No.: 09/474,435

Filed: December 28, 1999

For: *Arabidopsis thaliana* Genome Sequence and Uses Thereof

Art Unit: 1634

Examiner: Katherine Salmon

Confirm No.: 2233

Atty. Docket: 16517.044

**Statement of the Substance of the Interview of July 28, 2008**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants respectfully submit the following written statement pursuant to 37 C.F.R.

1.133.

On July 28, 2008, Applicants' representatives, Matthew Madsen, David Marsh, and Lisa Adelson, participated in a personal interview with Examiner Katherine Salmon and Supervisory Examiner Ram Shukla regarding the captioned application.

Applicants acknowledge and thank the Examiners for the July 28 Interview and for suggestions provided during the Interview.

Applicants' representatives and the Examiners discussed all rejections of pending claims 2, 6-8, 12-14, 19-21, 24-26, 32-38, 60 and 61.

Applicants' representatives and the Examiners discussed the GenBank Accession Number AP000604 and U.S. Patent No. 5,474,796 (Brennan) references.

During the Interview, Applicants respectfully drew the attention of the Examiners to priority document U.S. Application No. 60/155,422, filed September 23, 2008 ("the '142 application"), where SEQ ID NO: 5272 (referred to as SEQ ID NO: 9911 in the '142 application) was identified as a COL2 gene.

During the Interview, Applicants respectfully noted that, at the time of Applicants' effective filing date, COL2 was known to be a member of the CONSTANS gene family,

showing homology to CONSTANS, which had been identified as a putative zinc finger transcription factor that promotes flowering.

The Examiners acknowledged that a specific and substantial utility for SEQ ID NO: 5272 may be found in the priority document and such evidence should be presented for reconsideration by the Office. Applicants thank the Examiners for this acknowledgement.

The Examiners further acknowledged that a post-filing date publication would be considered as evidence that utilities stated in Applicants' specification and priority document were accurate. Applicants thank the Examiners for this further acknowledgement.

The Examiners reviewed a proposed claim 12 and indicated that the amendments to proposed claim 12 to recite "about 30 to 300 nucleotide residues of a complement of the nucleic acid sequence of SEQ ID NO: 5272", would overcome the rejections under 35 U.S.C. § 112, written description and 35 U.S.C. § 102(b) over Brennan.

Despite the absence of any request by the Office for amendment, Applicants offered to amend claims 19-21, and 24-26 to refer to "plant cell or plant" in order to facilitate prosecution. Likewise, despite any request by the Office, in order to facilitate prosecution, Applicants offered to amend claims 12 and 19 to refer to sequences with 98% identity.

In response to the Office's objection to the form of claims 32-38 and in order to facilitate prosecution, Applicants offered to cancel claims 32-38.

Respectfully submitted,



David R. Marsh (Reg. No. 41,408)  
Lisa A. Adelson (Reg. No. 51,204)

Date: August 21, 2008

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